

SMB
7/21/08UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miguel ARICIGA,

Defendant

Magistrate Docket No. 08 JUL 21 AM 11:52

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

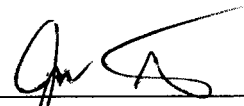
DEPUTY

'08 MJ 22 16

The undersigned complainant, being duly sworn, states:

On or about **July 18, 2008** within the Southern District of California, defendant, **Miguel ARICIGA**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent
SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF JULY, 2008

 Leo S. Papas
 UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:
Miguel ARICIGA****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

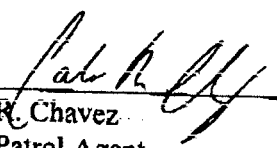
On July 18, 2008, Border Patrol Agent R. Ewers was performing his assigned duties in the Campo Station area of operations. At approximately 11:15 a.m., Agent Ewers assisted Border Patrol Agent F. Fiscal, who was tracking a group of undocumented aliens. Agent Ewers positioned himself north of Agent Fiscal in an area known as "Fox Acres". This area is frequented by undocumented aliens, attempting to further their illegal entry into the United States and is located approximately twenty miles east of the Tecate, California Port of Entry and approximately six miles north of the United States/Mexico International Border.

Agent Ewers found footprints on a dirt road north of Agent Fiscal's position that matched the same description that Agent Fiscal was following. Agent Ewers followed the footprints for approximately one mile, where he encountered eleven individuals attempting to conceal themselves in the surrounding brush. Agent Ewers approached the eleven individuals and identified himself as a United States Border Patrol Agent and began to question each individual as to their immigration status. All individuals, including one later identified as the defendant **Miguel ARICIGA**, stated that they were citizens and nationals of Mexico without any documents allowing them to enter or remain legally in the United States. At approximately 11:45 a.m., the defendant and all other subjects were arrested and transported to the Pine Valley Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on August 1, 2001 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on July 19, 2008 at 9:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on July 18, 2008, in violation of Title 18, United States Code, Section 1326.


Leo S. Papas
United States Magistrate Judge

07/19/08 — 152 PM
Date/Time